

DEC. 22. 2003 6:08PM

POWELL, GOLDSTEIN (DTI-LL3)

NO. 625

OFFICIAL

POWELL  
GOLDSTEIN  
FRAZER &  
MURPHY LLP  
ATTORNEYS AT LAW

ATLANTA

WASHINGTON

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DEC 22 2003

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Atlanta, GA 30303

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**FACSIMILE TRANSMISSION COVER SHEET**

Date: December 22 2003

To: Mail Stop Petitions

Fax # 703-872-9306

From: Kathy Bell

Recipient's Direct Dial #

Sender's Direct Fax # 404-572-6999

Appl. No. 09/942,278

Sender's e-mail address: [kbell@pgfm.com](mailto:kbell@pgfm.com)

Our File # 0359.1-1-1CON

Sender's Direct Dial # 404-572-4581

Attorney # 3403

**Total Pages (Including This Page):**

Please notify Kathy J. Bell at (404) 572-4581 if all pages are not received properly.

**COMMENTS:**

Patents

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MICHELLE CAREY et al.

Serial No.: 09/942,278

Filed: August 27, 2001

For: STAIN RESISTANT WATER-BORNE  
COATING COMPOSITION

Confirmation No.: TBA

Art Group: TBA

Attorney Docket No.: 0359.1-1-1CON

Customer ID: 25207

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DEC 22 2003

OFFICIAL

## TRANSMITTAL SHEET

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

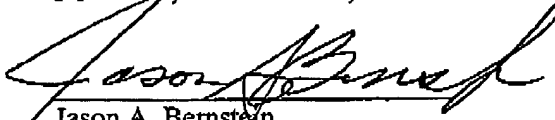
Please accept for filing in the above styled case the following document(s):

1. Petition To Withdraw Holding of Abandonment Under 37 C.F.R. 1.181(b)
2. Petition to Revive Abandoned Application Under 37 CFR 1.181(b);
3. Copy of Notice of Abandonment Under 37 CFR 1.53(f) or (g)
4. The required reply to the above-identified Notice:
  - Executed Declaration and Power of Attorney;
  - Credit Card Authorization Form for \$130;
  - Response to Notice to File Missing Parts;
  - Copy of Notice to File Missing Parts; and
  - Return Receipt Postcard

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 or 17, or credit any overpayment to Account No. 50-1429. A duplicate of this sheet is enclosed. Thank you very much.

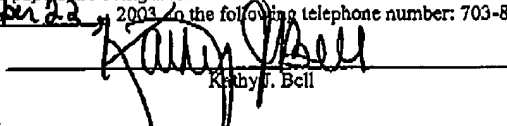
Respectfully submitted,

POWELL, GOLDSTEIN, FRAZER &amp; MURPHY LLP

Jason A. Bernstein  
Reg. No. 31,23616<sup>th</sup> Floor  
191 Peachtree Street, NE  
Atlanta, Georgia 30303-1736

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the attached papers are being facsimile transmitted to the Office of Petitions, Commissioner for Patents on December 22, 2003, to the following telephone number: 703-872-9306.

  
Kathy J. Bell

COPY

PATENTS

## IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of:

Michelle Carey et al.

Appln. No.: 09/254,339

Filed: March 5, 1999

For: STAIN RESISTANT WATER-BORNE  
COATING COMPOSITION

Art Group: 1713

Examiner: TBA

Atty Docket No.: 0359.1-1-1

Customer ID: 25207

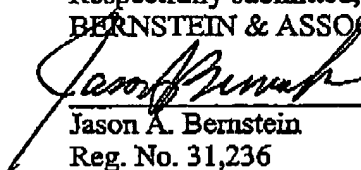
RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION  
FILING DATE GRANTEDBOX MISSING PARTS  
Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Application Filing Date Granted mailed  
October 4, 2001, applicant submits the following:

1. Copy of an executed Declaration and Power of Attorney;
2. Credit card authorization for \$130 for the surcharge for late filing of Declaration;
3. Copy of the Notice to File Missing Parts (Form PTO-1533)
4. Return receipt postcard

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16,  
or credit any overpayment to Account No. 02-2138. A duplicate of this sheet is attached.

Respectfully submitted,  
BERNSTEIN & ASSOCIATES, P.C.  
Jason A. Bernstein  
Reg. No. 31,236

Bernstein & Associates, P.C.  
6600 Peachtree Dunwoody Road, N.E.  
Embassy Row 400, Suite 495  
Atlanta, Georgia 30328-1649  
(770) 671-1755

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class  
mail, postage prepaid, in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC  
20231, on November 6, 2001.

  
Jason A. Bernstein



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/942,278	08/27/2001	Michelle Carey	0359.1-1-1

25207  
POWELL, GOLDSTEIN, FRAZER, & MURPHY LLP  
16TH FLOOR  
191 PEACHTREE STREET, NE  
ATLANTA, GA 30303-1736

CONFIRMATION NO. 8119

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011368186\*

Date Mailed: 11/28/2003

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10/04/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/942,278	08/27/2001	Michelle Carey	0359.1-1-1

25207  
BERSTEIN & ASSOCIATES, PC  
6600 PEACHTREE DUNWOODY RD, NE  
EMBASSY ROW 400, SUITE 495  
ATLANTA, GA 30328-1649

CONFIRMATION NO. 8119

## FORMALITIES LETTER



\*000000006845284\*

Date Mailed: 10/04/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

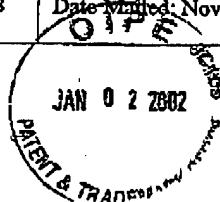
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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RECEIPT POSTCARD FOR MISSING PARTS		
Appln No.	09/254,339 09/942,278	BOX: MISSING PARTS
1 <sup>st</sup> Inventor	MICHELLE CAREY ET AL.	Art Unit:
Title:	STAIN RESISTANT WATER-BORNE COATING COMPOSITION	
Enclosures:	1. Executed Declaration and Power of Attorney 2. Credit card authorization for \$65 3. Copy of the Notice to File Missing Parts (Form PTO-1533)	
Atty Docket No.	0359.1-1-1	
Sent by 1 <sup>st</sup> Class Mail	By Whom: JAB	Date Mailed: November 6, 2001

RECEIPT POSTCARD FOR MISSING PARTS		
Appln No.	09/254,339	BOX: MISSING PARTS
1 <sup>st</sup> Inventor	MICHELLE CAREY ET AL.	Art Unit: 1715
Title:	STAIN RESISTANT WATER-BORNE COATING COMPOSITION	
Enclosures:	1. Executed Declaration and Power of Attorney 2. Credit card authorization for \$65 3. Copy of the Notice to File Missing Parts (Form PTO-1533)	
Atty Docket No.	0359.1-1-1	
Sent by 1 <sup>st</sup> Class Mail	By Whom: JAB	Date Mailed: November 6, 2001



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01-1002

BERNSTEIN &amp; ASSOCIATES

Patents

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

MICHELLE CAREY et al.	Confirmation No.: TBA
Serial No.: 09/942,278	Art Group: TBA
Filed: August 27, 2001	Attorney Docket No.: 0359.1-1-1CON
For: STAIN RESISTANT WATER-BORNE COATING COMPOSITION	Customer ID: 25207

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 C.F.R. 1.181(b)**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Applicant contends that the above-identified application is not in fact abandoned. A Notice of Abandonment for failure to file a timely and proper response to a the Notice to File Missing Parts (Notice) was mailed on October 4, 2001. Applicant contends that a response to the Notice was mailed on November 6, 2001 to the Commissioner for Patents (as indicated on the attached return postcard).

2. Applicant filed the following documents on November 6, 2001 with the Notice (a copy of each of the following documents are enclosed):

- Executed Declaration and Power of Attorney;
- Credit Card Authorization Form for \$130;
- Response to Notice to File Missing Parts;
- Copy of Notice to File Missing Parts; and
- Return Receipt Postcard

3. Applicant notes that the correct Application No. 09/942,278 was displayed on the copy of the Notice and on the Credit Card Authorization Form. However, Applicant inadvertently recorded the incorrect Application No. 09/254,339 on the Response to File Missing Parts and on the return postcard.

12/23/2003 STEUHEL1 00000061 09942278

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4. Applicant notes that the correct Application No. was clearly available on both the Notice and the credit card authorization form and thus should have been recorded appropriately. Applicant hereby contends that the above-identified application is not in fact abandoned.

5. This petition is filed within one year of the alleged date of alleged abandonment.


6. No fee is required under 37 C.F.R. 1.181(b).

The delay leading to alleged abandonment of the application was unintentional.

I declare that all statements made herein of are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,

POWELL, GOLDSTEIN, FRAZER & MURPHY LLP



Jason A. Bernstein  
Reg. No. 31,236

16<sup>th</sup> Floor  
191 Peachtree Street, NE  
Atlanta, Georgia 30303-1736  
(404) 572-6900  
jbernstein@pgfm.com